

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2122

Introduced by Assembly Member Mendoza

February 18, 2010

An act to amend Section 11502.5 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2122, as amended, Mendoza. Pesticides: ~~agricultural pest control advisers: qualified applicators~~ regulations: continuing education.

Existing law authorizes the Director of Pesticide Regulation to adopt regulations to establish the minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or renewal of any license or certificate, issued by the director pertaining to pesticides.

This bill would provide that a regulation adopted or amended pertaining to continuing education requirements shall establish minimum course requirements that address specified areas. The bill would also provide that a regulation adopted or amended shall contain a requirement that the director shall act within 15 days to approve or reject continuing education courses submitted to meet the requirements of law pertaining to pesticides.

~~Existing law requires agricultural pest control advisers and qualified applicators to be licensed by the Department of Pesticide Regulation.~~

~~This bill would declare the Legislature's intent to later amend the bill to establish clear requirements that properly guide the Department of Pesticide Regulation in providing timely, fair, and consistent certification~~

~~of continuing education courses required of agricultural pest control adviser licensees and qualified applicator licensees.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11502.5 of the Food and Agricultural*
2 *Code is amended to read:*

3 11502.5. (a) The director may adopt regulations to establish
4 the minimum requirements of education, continuing education,
5 training, experience, and examination for applicants for any license
6 or certificate, or renewal of any license or certificate, issued by
7 the director pursuant to this division or Division 7 (commencing
8 with Section 12500). *A regulation adopted or amended pursuant*
9 *to this section pertaining to continuing education requirements*
10 *shall establish minimum course requirements that address the*
11 *areas of organic and sustainable practices, nutrient management*
12 *practices, including, but not limited to, water and air monitoring*
13 *and residue mitigation, maximum residue levels, quarantine*
14 *practices, and the on-farm storage of fumigants.* The director shall
15 not renew a license or certificate if the person who was issued the
16 license or certificate did not complete the required continuing
17 education during the period of validity of the license or certificate,
18 and the person must take and pass the examination to be again
19 issued such a license or certificate. *A regulation adopted or*
20 *amended pursuant to this section shall contain a requirement that*
21 *the director shall act within 15 days to approve or reject continuing*
22 *education courses submitted to meet the requirements of this*
23 *division or Division 7 (commencing with Section 12500).*

24 (b) The director shall establish, by regulation, fees for the
25 ~~Department of Pesticide Regulation's~~ *department's* licensing and
26 certification programs as established pursuant to this division or
27 Division 7 (commencing with Section 12500). These programs
28 include, but are not limited to:

29 (1) License and certificate examination, application, and
30 renewal.

31 (2) Approval of continuing education courses and continuing
32 education course providers.

(3) Changes related to any license or certificate, including, but not limited to, name or address changes, license or certificate replacement costs, duplicate copy of a license or certificate, and changes in qualified person, bond, insurance, or registered officers.

(4) Penalties for late payment of licensing and certification fees.

(c) The fees established pursuant to this section may include administrative costs, including overhead costs.

(d) The regulations shall provide that the examination fee may be charged to applicants who request the director to reschedule an examination due to the applicant's failure to obtain a passing score or failure to appear for the scheduled examination, and for scheduling an examination to amend a license.

(e) The fees established pursuant to this section shall be set so that the total revenue collected each fiscal year is sufficient to support the expenditure levels for these programs contained in the annual Budget Act. If the director determines that the revenue collected during the preceding year was greater than, or less than, the expenditure levels for these programs set forth in the Budget Act, the director may further adjust the current fees to compensate for the overcollection or undercollection.

(f) Funds collected pursuant to this section shall be deposited in the Department of Pesticide Regulation Fund, and shall be available for expenditure by the department, upon appropriation, for the purposes of carrying out the programs established pursuant to this division or Division 7 (commencing with Section 12500).

(g) The regulations adopted pursuant to this section, or any amendment thereto, shall be adopted by the director in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations shall be considered by the Office of Administrative Law as an emergency, and necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding any other provision of law, the emergency regulations adopted pursuant to this section shall remain in effect until amended by the director.

~~SECTION 1. It is the intent of the Legislature to later amend this bill to establish clear requirements that properly guide the Department of Pesticide Regulation in providing timely, fair, and consistent certification of continuing education courses required~~

- 1 ~~of agricultural pest control adviser licensees and qualified~~
- 2 ~~applicator licensees.~~

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